

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth
Telecommunications, Inc. for
approval of amendment of resale
agreement with Touch 1
Communications, Inc. pursuant to
Sections 251 and 252 of the
Telecommunications Act of 1996.

DOCKET NO. 981550-TP
ORDER NO. PSC-99-0173-FOF-TP
ISSUED: January 29, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER APPROVING AMENDMENT TO EXISTING
RESALE AGREEMENT

BY THE COMMISSION:

On November 5, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a request for approval of an amendment to the existing resale agreement with Touch 1 Communications, Inc. (Touch 1) under 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The amendment to the existing agreement is attached to this Order as Attachment A and incorporated by reference herein. We approved the initial agreement between the companies in Order No. PSC-98-0498-FOF-TP issued April 10, 1998, in Docket No. 980036-TP.

Both the Act and Chapter 364, Florida Statutes, encourage parties to enter into negotiated agreements to bring about local exchange competition as quickly as possible. Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. Section 252(e)(4) requires the state to reject or approve the agreement within 90 days after submission or it shall be deemed approved.

DOCUMENT NUMBER-DATE

01164 JAN 29 99

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-0173-FOF-TP
DOCKET NO. 981550-TP
PAGE 2

This amendment to the existing agreement governs the relationship between the companies regarding local resale and the exchange of traffic pursuant to 47 U.S.C. § 251. Upon review of the proposed amendment to the existing agreement, we believe that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. BellSouth and Touch 1 are also required to file any subsequent supplements or modifications to their agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e).

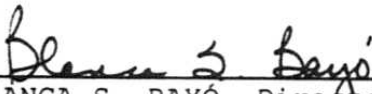
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the amendment to the existing resale agreement between BellSouth Telecommunications, Inc. and Touch 1 Communications, Inc., as set forth in Attachment.A and incorporated by reference in this Order, is hereby approved. It is further

ORDERED that any supplements or modifications to this agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 29th day of January, 1999.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

CBW

ORDER NO. PSC-99-0173-FOF-TP
DOCKET NO. 981550-TP
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. § 252(e)(6).

=

ATTACHMENT A

AMENDMENT TO
RESALE AGREEMENT BETWEEN
BELLSOUTH TELECOMMUNICATIONS, INC.
AND TOUCH 1 COMMUNICATIONS, INC.
DATED DECEMBER 16, 1997

Pursuant to this Agreement (the "Amendment"), BellSouth Telecommunications, Inc. ("BellSouth") and Touch 1 Communications, Inc. ("Touch 1") hereinafter referred to collectively as the "Parties" hereby agree to amend that certain Resale Agreement between the Parties dated December 16, 1997 ("Resale Agreement").

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows:

1. Section IV. 3 of the Resale Agreement is hereby amended to include the appropriate Shared Tenant Service tariff reference, A27, for the states of Alabama, Kentucky, Louisiana, Mississippi and Tennessee.
2. All of the other provisions of the Resale Agreement, dated December 16, 1997 shall remain in full force and effect.
3. The Parties further agree that either or both of the Parties is authorized to submit this Amendment to the appropriate Commission or other regulatory body having jurisdiction over the subject matter of this Amendment, for approval subject to Section 252(e) of the federal Telecommunications Act of 1996.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their respective duly authorized representatives on the date indicated below.

BELLSOUTH TELECOMMUNICATIONS,
INC.

By: 

DATE: 9/23/98

TOUCH 1 COMMUNICATIONS, INC.

By: 

DATE: 9/28/98